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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 REARDEN LLC and REARDEN MOVA
LLC,

13 Plaintiffs,

14 vs.

15 THE WALT DISNEY COMPANY, WALT
16 DISNEY MOTION PICTURES GROUP,
INC., BUENA VISTA HOME
17 ENTERTAINMENT, INC., MARVEL
FILMS, INC.,

18 Defendants.

19 REARDEN LLC and REARDEN MOVA
20 LLC,

21 Plaintiffs,

22 vs.

23 TWENTIETH CENTURY FOX FILM
24 CORPORATION and TWENTIETH
CENTURY FOX HOME
25 ENTERTAINMENT LLC,

26 Defendants.

Case Nos. 3:17-cv-04006-JST
3:17-cv-04191-JST
3:17-cv-04192-JST

**STIPULATION AND [PROPOSED]
ORDER RE ANTICIPATED SUMMARY
JUDGMENT MOTIONS**

Judge: Hon. Jon S. Tigar
Date/Time: January 9, 2019/2 pm
Ctrm.: 9 (19th Floor)

1 REARDEN LLC and REARDEN MOVA
2 LLC,

3 Plaintiffs,

4 vs.

5 PARAMOUNT PICTURES
6 CORPORATION and PARAMOUNT
7 HOME ENTERTAINMENT
8 DISTRIBUTION INC.

9 Defendants.

1 WHEREAS, Defendants intend to file summary judgment motions (1) for an order that
2 Plaintiffs cannot establish the causal link necessary to recover indirect profits (in Case Nos. 17-
3 CV-4006-JST and 17-CV-04191-JST); and (2) for an order that Plaintiffs' copyright infringement
4 claims regarding *Guardians of the Galaxy* are barred by the Copyright Act's three-year statute of
5 limitations (Case No. 17-CV-4006-JST). Plaintiffs intend to oppose both motions and may file a
6 Rule 56(d) request with respect to one or both motions;

7 WHEREAS, at the November 7, 2018, Case Management Conference, the Court directed
8 the parties to meet and confer and file a stipulated proposal or competing proposals
9 [1] "containing a schedule for the completion of discovery for the two anticipated [summary
10 judgment] motions and a briefing schedule"; and [2] "a deadline for the filing of" the "joint letter
11 brief of not longer than eight pages single spaced that includes the studio defendants' request to
12 file more than one summary judgment motion and the plaintiffs' 56(d) request." Civil Minutes
13 ¶¶ 2-3, Dkt. Nos. 118 (Case No. 17-CV-04006-JST), 84 (Case No. 17-CV-04191-JST), and 83
14 (Case No. 17-CV-04192). Pursuant to stipulation, the Court continued the date for the parties to
15 submit the proposal(s) from November 16, 2018 to November 30, 2018. Dkt. Nos. 120 (Case No.
16 17-CV-04006-JST), 86 (Case No. 17-CV-04191-JST), and 85 (Case No. 17-CV-04192);

17 WHEREAS, the parties have met and conferred but have not yet reached resolution
18 regarding the discovery-scope or schedule for the motions. The parties will continue their meet-
19 and-confer efforts but believe it will be more efficient for reaching resolution or identifying
20 disagreements for each to review the other's portion of the eight-page joint letter brief. The
21 parties would attach to the submitted letter brief a single proposal or competing proposals. The
22 Court has set a further Case Management Conference for January 9, 2019, at 2:00 P.M. See Civil
23 Minutes ¶ 4, Dkt. Nos. 118 (Case No. 17-CV-04006-JST), 84 (Case No. 17-CV-04191-JST), and
24 83 (Case No. 17-CV-04192). The parties believe the Court should keep the January 9, 2019
25 Conference on calendar, so that the parties and the Court may discuss any remaining issues.

26 THE PARTIES THEREFORE STIPULATE:

27 [1] By December 21, 2018, the parties shall file a joint letter brief that is not longer
28 than eight pages single spaced—four pages maximum for Defendants and four pages maximum

1 for Plaintiffs—that includes the Studio Defendants’ request to file more than one summary
2 judgment motion and the Plaintiffs’ 56(d) request. The parties shall append to that letter brief a
3 stipulated proposal or competing proposals for the completion of discovery for the motions and a
4 briefing schedule.

5 [2] The further Case Management Conference shall remain on calendar for January 9,
6 2019, at 2:00 P.M.

9 DATED: November 30, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

10 By: /s/ Mark S. Carlson¹
11 MARK S. CARLSON

12 *Attorneys for Plaintiffs*

13 DATED: November 30, 2018

14 MUNGER, TOLLES & OLSON LLP

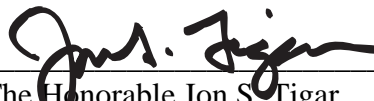
15 By: /s/ Kelly M. Klaus
16 KELLY M. KLAUS

17 *Attorneys for Defendants*

18 **[PROPOSED] ORDER**

19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 December 5, 2018

22 
23 The Honorable Jon S. Tigar
24 United States District Judge
25
26
27

28 ¹ Signed electronically by Kelly M. Klaus with the concurrence of Mark S. Carlson, pursuant to
L.R. 5-1(i)(3).
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